

**Notice of Allowability**

Application No.

09/833,708

Examiner

Katarzyna Wyrozebski Lee

Applicant(s)

KNIEB ET AL.

Art Unit

1714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 11/25/2003.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1103</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance      |
|   | 9 <input type="checkbox"/> Other   |

*KIM*  
Katarzyna Wyrozebski Lee  
Primary Examiner  
Art Unit: 1714

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Sopp on 11/25/2003.

The application has been amended as follows:

Claim 1, line 7 delete "effect pigments based on phyllosilicate" and insert "phyllosilicate effect pigment".

Claim 2, line 5 delete "effect pigments based on phyllosilicate" and insert "phyllosilicate effect pigment".

Claim 3, line 2 delete "a pearl luster pigment based on natural or synthetic mica platelets" and insert "natural or synthetic mica platelets pearl luster pigment".

Claim 7, line 7 delete "effect pigments based on phyllosilicate" and insert "phyllosilicate effect pigment".

Claim 17, line 2 delete "a pearl luster pigment based on natural or synthetic mica platelets" and insert "natural or synthetic mica platelets pearl luster pigment".

Application/Control Number: 09/833,708

Page 3

Art Unit: 1714

Claim 19, line 2 delete "a pearl luster pigment based on natural or synthetic mica platelets" and insert "natural or synthetic mica platelets pearl luster pigment".

*Examiner's Statement of Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

During the interview with applicant's representative conducted on 11/25/2003 the examiner make sure that the metal powder and/or semimetal powders disclosed in independent claims of the present invention are elemental metals or semi-metals. The applicant's representative confirmed examiner's interpretation in view of which following office action is issued.

In the amendment filed on 9/15/2003 the applicants have amended the claims to require phyllosilicate effect pigment in addition to mixture of elemental silicon/aluminum metal powders or elemental boron/aluminum metal powder (claim 1). Claim 2 required elemental silicon powder with phyllosilicate and claim 7 required in addition to elemental metal powder and phyllosilicate an additional metal halide.

As the amendment filed on 9/15/2003 overcame the rejections of record and updated search resulted in compositions comprising metal powder derivatives or semi-metal powders derivatives such as oxides present claimed are passed to issue. The prior art of record disclosed only aluminum metal powder with titanium oxide coated mica.

The claims restricted in the first office action on the merits mailed on 9/18/2002 are hereby rejoined as they all contain allowable subject matter of at least one independent claim.

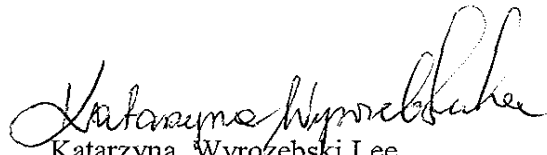
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Beginning December 12, 2003 the new phone number for the examiner of record will be 571-272-1127.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski Lee whose telephone number is (703) 306-5875. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Katarzyna Wyrozebski Lee  
Primary Examiner  
Art Unit 1714

November 25, 2003